

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TIMOTHY PROSSER,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:09CV139 DJS/AGF
	)	
STEVE LARKINS,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on petitioner's motion for appointment of counsel and motion for extension of time. The motion for appointment of counsel will be denied; the motion for extension of time will be granted.

There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the petitioner has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the petitioner will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the petitioner's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for appointment of counsel [#19] is **DENIED**.

**IT IS FURTHER ORDERED** that petitioner's motion for extension of time [#20] is **GRANTED**. Petitioner shall file his reply no later than **August 3, 2009**.

Dated this 3rd day of June, 2009.

  
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AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE